

**Robert J. Magee, Esquire
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Attorney for Plaintiff**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PA**

ARTHUR HERRING, III,

Plaintiff, : No.: 02-CV-2811
: **CIVIL ACTION**

vs.

**MONTGOMERY COUNTY
COMMUNITY COLLEGE,
WHITPAIN TOWNSHIP, et al
Defendants. : THE HONORABLE
JAMES KNOLL GARDNER
: JURY TRIAL DEMANDED**

**PLAINTIFF'S RESPONSE TO DEFENDANTS' "JOINT" MOTION
FOR EXTENSION OF SCHEDULING ORDER**

AND NOW, comes the Plaintiff, above-named, by and through his counsel, Worth, Magee & Fisher, P.C., and files this response to the "Joint" Motion for Extension of the Scheduling Order recently filed by the Defendants, as follows:

1.-7. Admitted.

8. Admitted.

(a) Admitted. In fact, the parties did reach an agreement regarding the resolution of this matter, which is the subject of a contemporaneously filed Petition to Enforce Settlement Agreement;

(b) Admitted on information and belief:

- (c) Admitted that Mr. Prince did not enter his appearance on behalf of the Defendants, Martello and Kroner. The Plaintiff is without knowledge as to the beliefs of Mr. Prince;
- (d) Admitted;
- (e) Admitted;
- (f) Admitted on information and belief;
- (g) Denied as stated. Settlement negotiations took place during the month of May, and, May 30, an agreement was reached between counsel for the Plaintiff and counsel for the College. A letter transmitted to counsel for the College dated June 3, 2003 and setting forth the details of that agreement is attached hereto as Exhibit "A";
- (h) Denied. By way of further answer, it is averred that a settlement agreement satisfactory to all parties was reached. However, and as more fully detailed in the contemporaneously filed Petition to Enforce the Settlement Agreement, counsel for the College attempted to impose additional terms and conditions upon the settlement after it had already been agreed upon;
- (i) Admitted on information and belief;
- (j) Admitted;

- (k) Admitted;
- (l) Admitted;
- (m) Admitted on information and belief;
- (n) Admitted;
- (o) Admitted; and
- (p) Admitted on information and belief.

WHEREFORE, the Plaintiff joins in the request of the Defendants for an enlargement of the time in which to file Summary Judgment and other motions, primarily to give this Court an opportunity to rule upon the Plaintiff's Petition to Enforce a Settlement Agreement, and further requests this Court to enlarge the time for filing the documents relating to the default judgement which are due on July 14, 2003.

Respectfully submitted,

WORTH, MAGEE & FISHER, P.C.

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CERTIFICATE OF SERVICE

I, Robert J. Magee, Esquire, hereby certify that I served a true and correct copy of Plaintiff's Response To Defendants' "Joint" Motion For Extension Of Scheduling Order via fax, to the individual(s), at the address and on the date indicated below:

VIA FAX TO: 610-292-0410

Joseph J. Santarone, Jr., Esq,
Marshall, Dennehey
Suite 1002, One Montgomery Plaza
Norristown, Pa. 19401

VIA FAX TO: 215-938-6375

Stacy Smith, Esquire
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1402 Masons Mill Business Park
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7-9-03

Date

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